



Incorporated October 22, 1956

CITY OF SARATOGA

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February 28, 2008

Bruce Wolfe, Executive Officer
San Francisco Bay Regional Water Quality Control Board
ISIS Clay St., Ste 1400
Oakland, CA 94612

Subject: **Comments from on the Municipal Regional Permit Draft Tentative Order**

Dear Mr. Wolfe,

Thank you for the opportunity to submit comments regarding the Regional Water Board's Draft Tentative Order of the Municipal Regional Permit (MRP). The staff of the City of Saratoga appreciates the steps taken by the Board to respond to and incorporate our comments on the draft MRP. Nonetheless, the draft Tentative Order of the MRP still contains a number of requirements that staff believes will impose significant and unmanageable burdens on the City's very limited resources.

Based on this Department's review, the draft MRP raises concerns in several areas:

- **Provision C.2.f** would take the West Valley Communities backwards from their goal to ensure a clean storm drain system. Requiring that "Permittees shall annually inspect, before the wet season, all catch basins or storm drain inlets, and clean them to remove sediment, trash, litter, and other pollutants...", does not take into consideration a program that has successfully maintained clean systems on a biennial inspection/cleaning cycle. The West Valley Sanitation District uses a mapped system, numbered catch basins and inlets, and ongoing documentation that shows the amount and type of debris (if any) that was removed from each location upon inspection.

On the current 2-year inspection cycle, West Valley Communities have shown that, upon inspection, less than 35% of the structures have any debris or sediment to clean. Annually, at least 65% of the storm drain inlets or catch basins have not had any debris, sediment, gravel, litter or other pollutants in or around the structure. C.2.f. would require a 24-month task to be completed in four months (July to October); thereby necessitating three to four times the current number of staff to complete the work. The costs would be prohibitive without any benefit to water quality. This is clearly a waste of natural and municipal resources. We urge the Water Board to consider a less prescriptive method of attaining desired results. Allow permittees with sufficient data to develop a plan that identifies select storm drain structures (those with any record of debris, sediment or trash) for annual or semi-annual inspection and cleaning based on the quantity and type of debris found. Clean structures would remain on the

biennial inspection and cleaning cycle. This would result in quantifiable benefits to water quality rather than wasted resources.

- Provision C.3.b.ii provides that after three years the threshold for regulated projects will decrease from 10,000 square feet of impervious surface to 5,000 square feet. As we noted in our previous comments to the Board, this aggressive timetable does not allow permittees, like the City, enough time to adjust to the new enforcement and monitoring requirements. Moreover, it does allow cities or the Board enough time to gauge the effectiveness of the new requirements before dramatically expanding their application. We suggest that the Board wait until there is sufficient data regarding how effective the permit requirements are before requiring cities to impose them on smaller projects.
- Provision C.3.b.i.4 (defining regulated road construction projects) is also of concern. Although we appreciate the Board's clarification of which road projects are subject to the C.3 requirements, we are concerned that the proposed threshold is still too low. We recommend that permittees only be required to implement numerically sized stormwater treatment measures when replacing 50,000 square feet of an arterial street or road, rather than 10,000 square feet. In addition, we recommend that this threshold not decrease in three years, as the threshold for other regulated projects will.
- Provision C.4.b.ii.1.c would require permittees to maintain a database with a list of businesses that could reasonably be considered to cause or contribute to pollution of stormwater runoff, including, in particular, mobile businesses such as carpet and pool cleaning, landscaping, and painting businesses. Creating this database, and subsequently inspecting these businesses, would be very difficult for the City because we do not currently have a list of all mobile businesses operating in the City, nor is the information we do have adequate to create such a list.
- In general, we are very concerned that the increased data management and reporting requirements of the draft MRP will overload the City's current capabilities and resources. To comply with the reporting requirements alone, the City – and, indeed, all permittees – would likely be forced to hire additional staff. As other commenters have noted, the State Constitution and other laws limit cities' ability to increase fees or taxes to cover such additional expenses. Thus, staff recommends that the Board either eliminate or, at the very least, postpone some of the reporting and database management requirements.

In short, Saratoga is a small city with limited staff and resources. While Saratoga staff supports the MRP's laudable goal of reducing stormwater pollution throughout the Bay Area, we believe the approach to achieving this goal outlined in the Tentative Order of the MRP is infeasible. Thank you again for the opportunity to comment.

Sincerely,



John Cherbone
Public Works Director
City of Saratoga